

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T02-0080

STIPULATED AGREEMENT No. 1006

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railroad Company, hereinafter referred to as the "Company", the Village of Wataga, hereinafter referred to as the "Village", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing of the Company's tracks with a public highway known as Willard Street (CH-37) located in the Village of Wataga, Knox County Illinois, designated as crossing DOT 079 793A, milepost 155.38-A; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- a) the Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals and gates, controlled by constant warning time circuitry;
- b) the Company should repair the existing crossing surfaces, so that the crossing surfaces meet requirements of 92 Illinois Administrative Code Part 1535;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvements which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) The cost to remove the antiquated warning devices and install new automatic flashing light signals and gates estimated at \$240,613, should be allocated whereby the Grade Crossing Protection Fund (Fund) should bear 50% of said cost, not to exceed \$120,306, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;
- b) The cost to patch/repair the crossing surfaces shall be born 100% by the Company as well as all future maintenance cost thereof;

Section 6 Special Provisions: The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 3rd day of June, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1006 concerning improvements at the Willard Street (CH-37) grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, in the Village of Wataga, Knox County, Illinois, designated as crossing AAR/DOT # 079 793A, Milepost 155.38-A.

Executed by the Department this 18th day of June 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION


By:

James R. Easterly, Jr.
Director of Highways

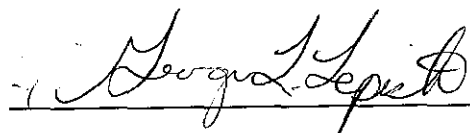
Illinois Commerce Commission Stipulated Agreement No. 1006 concerning improvements at the Willard Street (CH-37) grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, in the Village of Wataga, Knox County, Illinois, designated as crossing AAR/DOT # 079 793A, Milepost 155.38-A.

Executed by the _____ this 15th day of July 2002.

VILLAGE OF WATAGA, KNOX
COUNTY

By: 
Village President

Attest:


Village clerk

Illinois Commerce Commission Stipulated Agreement No. 1006 concerning improvements at the Willard Street (CH-37) grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, in the Village of Wataga, Knox County, Illinois, designated as crossing AAR/DOT # 079 793A, Milepost 155.38-A.

Executed by the Company this 15 day of July 2002.

THE BURLINGTON NORTHERN AND
SANTA FE RAILROAD COMPANY

By:

Cheryl Markin

APPROVED AS TO FORM

WED 7/5/02
Burlington Northern Santa Fe Law Department

Attest:

William Calogna

RR/Line BNSF Milepost 155.38-A Inventory # 079 793A
City (I) Wataga Street Willard Street County Knox
(CH-37)
Jurisdiction Local Urban X Rural Commercial Residential X
Street Surface Asphalt Width 23' Condition Good
Angle 90° Tracks Tangent Yes Degree of Curve - Superelevation -
Depth of Cut ----- Height of Fill -----

Track Centers	Elevation	Track (N)	Type	Width	Condition
15' - 8"	Level	TK 1	R/A	32'	Fair-pot holes
14' - 0"	Level	TK 2	FDT	32'	Good
17' - 3"	Level	TK 3	FDT	32'	Good
		TK 4	R/A	32'	Fair-pot holes
		(S)			

Present Protection	AFLS-G
--------------------	--------

Advance Warning Signs	Yes	Pavement Marking	No
-----------------------	-----	------------------	----

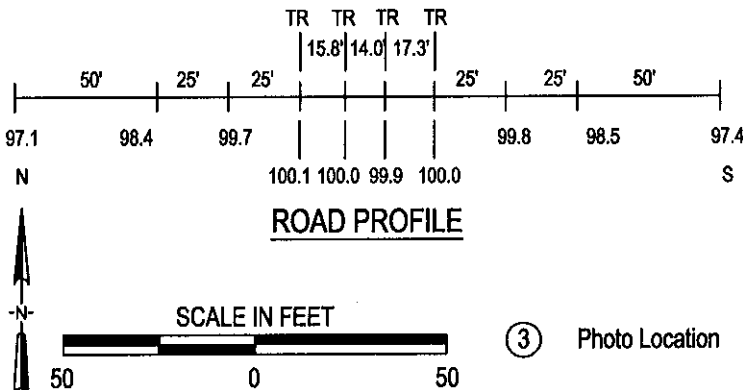
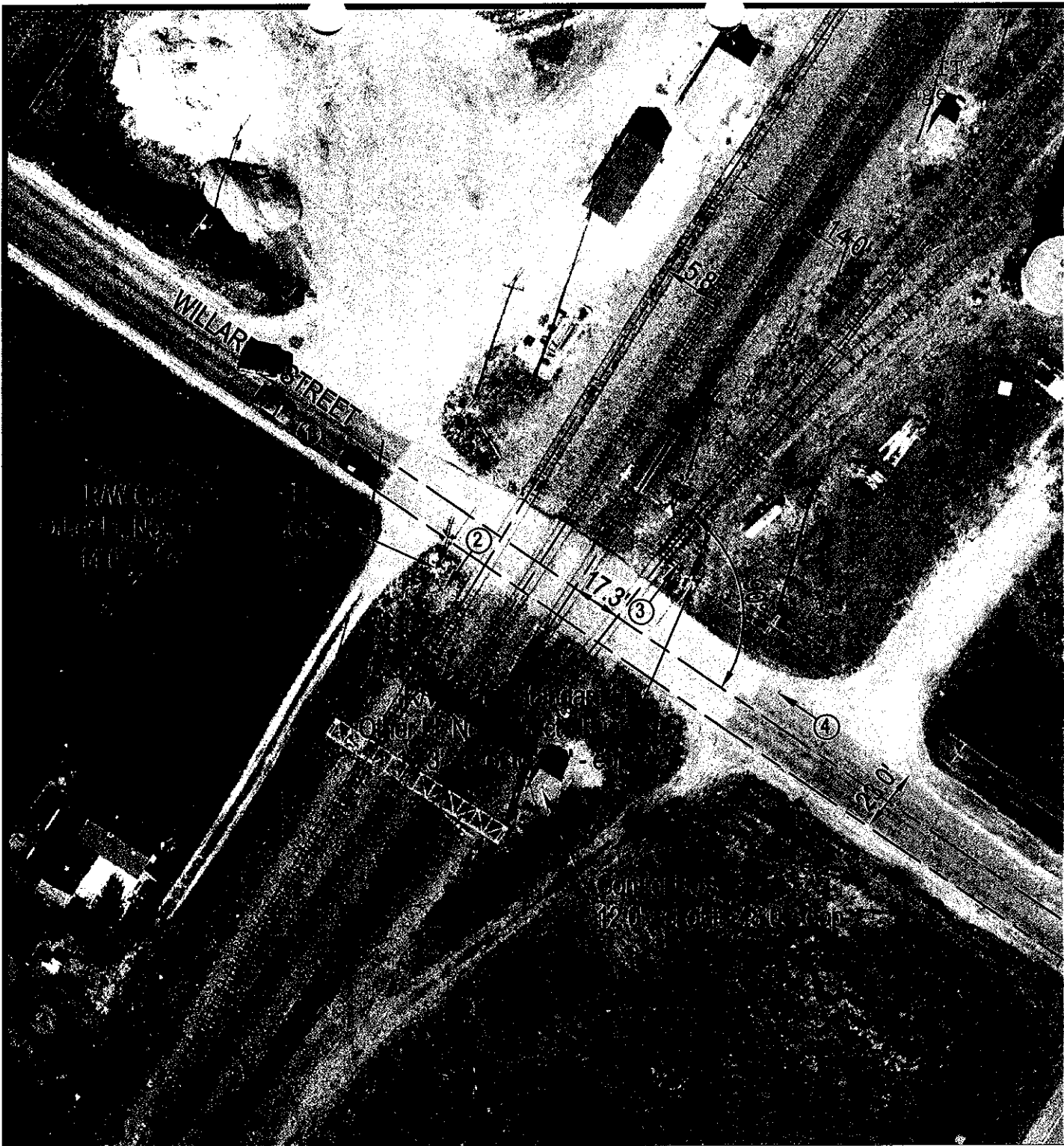
Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

North	<u>Meets</u>	<u>92</u>	<u>%</u>	<u>Ill.</u>	<u>Adm.</u>	<u>%</u>	<u>Code</u>	<u>1535</u>	<u>%</u>
South	<u>"</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>"</u>	<u>%</u>

Comments: _____



Crossing #: 079793A

Location: Knox Co., City of Wataga (In)

Lat/Long: 41°01'31" / 90°16'54"

Railroad: BNSF

Street: Willard Street

Railroad Milepost: 155.38

Crossing Protection: Train Activated Devices

17-35-14-101 079793A.DWG 03/06/01 14-54 JJ

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION :	WATAGE	LINE SEGMENT :	1	AFE NUMBER :	
PLANITEM NUMBER :	PSI079793A	MILEPOST :	0155.38	RFA NUMBER :	
PROPERTY OF :	BNSF RAILWAY COMPANY	DIVISION :	CH	CFAR NUMBER :	
OPERATED BY :	BNSF RAILWAY COMPANY	SUBDIVISION :	MENDOTA	BUDGET YEAR :	2002
JOINT FACILITY :	STATE OF ILLINOIS	TRACK TYPE :	2	BUDGET CLASS :	10
% BILLABLE (+/-) :	050.00	TAX STATE :	IL COUNTY: KNOX	REPORTING OFFICE :	456
REQUESTER ID :	XXXX - SYSTEMWIDE DEFAULTMATL DATE			SPONSOR :	VP ENGIN
PROJECT TYPE :	SGX	LOCATION CODE :	381317	DEPT CODE :	MOWGH
DOT NUMBER :	079793A			DERAILMENT CODE :	

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT WILLARD STREET IN WATAGE, IL.
CHICAGO DIV., MENDOTA SUBDIV., L/S 0001, MP 155.38, DOT 079793A

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.
CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 50%.
THE BNSF IS FUNDING THIS PROJECT APPROXIMATELY 50%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	38,790	0	0	0	38,789	77,579
MATERIAL COSTS	62,831	0	0	0	62,830	125,661
OTHER COSTS	18,688	0	0	0	18,685	37,373
TOTALS	120,309	0	0	0	120,304	240,613

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI079793A - 1--2S
COSTING DATE : 04/26/2002

PRINTED ON : 04/26/2002
ESTIMATED BY : CONTRACTOR
PRINTED BY : CONTRACTOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	1120.00	0.0 MH	26,726			
* LABOR SUBTOTAL							26,726	0	0	0
1120	319	400	9911	1TC TRACK CIRCUIT	1.0	LS N	1,000			
1120	319	400	9911	AC TRACK CIRCUIT	2.0	EA N	5,000			
1120	319	400	9911	ANTENNA, RTU	1.0	EA N	100			
1120	319	400	9911	AX CABLE	1.0	EA N	1,330			
1120	319	400	9911	BATTERY	1.0	EA N	7,321			
1120	319	400	9911	BATTERY CHOKE	2.0	EA N	450			
1120	319	400	9911	BUNGALOW 6X8	1.0	EA N	6,003			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	9,890			
1120	319	400	9911	CABLE	1.0	EA N	4,927			
1120	319	400	9911	CHARGERS	1.0	LS N	1,545			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	8,392			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,110			
1120	319	400	9911	HXP3R2 UNI SYSTEM	3.0	EA N	48,606			
1120	319	400	9911	INDUCTOR, DUMMY LOAD	2.0	EA N	158			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	2,500			
1120	319	400	9911	RELAY, AX W/BASE	1.0	EA N	500			
1120	319	400	9911	TIMER, LOS-10	2.0	EA N	1,181			
1120	319	400	9911	TRACK FILTERS	1.0	LS N	1,050			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA N	1,684			
* MATERIAL SUBTOTAL							115,259	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	9,000			
1120	790	400	9911	FILL DIRT	20.0	CY N	500			
1120	367	400	9911	MACHINE RENTAL	1.0	EA N	4,160			
1120	790	400	9911	SURFACE ROCK	30.0	CY N	750			
* OTHER SUBTOTAL							14,410	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							14,816			
EQUIPMENT EXPENSES							4,783			
DA LABOR OVERHEADS							16,746			
INSURANCE EXPENSES							4,214			
USE TAX							7,372			
OFFLINE TRANSPORTATION							1,443			
* GANG TOTAL							205,769	0	0	0
8		400	9911	SIGNAL SHOP LABOR	96.00	0.0 MH	2,012			
* LABOR SUBTOTAL							2,012	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							1,115			
EQUIPMENT EXPENSES							360			
DA LABOR OVERHEADS							1,260			
INSURANCE EXPENSES							317			
* GANG TOTAL							5,064	0	0	0
8		241		PLACE FIELD WELDS	64.00	5.7 MH	1,410			
* LABOR SUBTOTAL							1,410	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							781			
EQUIPMENT EXPENSES							252			
DA LABOR OVERHEADS							883			
INSURANCE EXPENSES							222			
* GANG TOTAL							3,548	0	0	0
8		241		PLACE OTM	32.00	2.8 MH	669			
* LABOR SUBTOTAL							669	0	0	0
1120	308	200		RAIL, 136 LB NEW WELDED, PREMIUM :	80.0	LF	959			

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
1120	308	200		WELDKIT, GENERIC FOR ALL RAIL WEIGHT	8.0	KT	470			
* MATERIAL SUBTOTAL							1,429	0	0	0
* ADDITIVES							370			
							EQUIPMENT EXPENSES	119		
							DA LABOR OVERHEADS	419		
							INSURANCE EXPENSES	105		
							MATERIAL HANDLING	34		
							ONLINE TRANSPORTATION	28		
							USE TAX	91		
							OFFLINE TRANSPORTATION	5		
* GANG TOTAL							3,269	0	0	0
PROJECT SUBTOTAL							217,650	0	0	0
CONTINGENCIES							21,765	0	0	0
BILL PREPARATION FEE							1,198	0	0	0
PROJECT GROSS COST							240,613	0	0	0
LESS COST PAID BY OTHERS							120,304	0	0	0
PROJECT NET COST							120,309	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- WATAGE DETAILS OF ESTIMATE PLAN ITEM: PSI079793A VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT WILLARD STREET IN WATAGE, IL.
CHICAGO DIV., MENDOTA SUBDIV., L/S 0001, MP 155.38, DOT 079793A

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 50%.
THE BNSF IS FUNDING THIS PROJECT APPROXIMATELY 50%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

PLACE FIELD WELDS	69.76	MH	1,410	
PLACE OTM	34.88	MH	669	
SIGNAL FIELD LABOR	1120.00	MH	26,726	
SIGNAL SHOP LABOR	96.00	MH	2,012	
PAYROLL ASSOCIATED COSTS			17,082	
EQUIPMENT EXPENSES			5,514	
DA LABOR OVERHEADS			19,308	
INSURANCE EXPENSES			4,858	
TOTAL LABOR COST			77,579	77,579

MATERIAL				

RAIL, 136 LB NEW WELDED, PREMIUM :	80.00	LF	959	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	8.00	KT	470	
1TC TRACK CIRCUIT	1.00	LS N	1,000	
AC TRACK CIRCUIT	2.00	EA N	5,000	
ANTENNA, RTU	1.00	EA N	100	
AX CABLE	1.00	EA N	1,330	
BATTERY	1.00	EA N	7,321	
BATTERY CHOKE	2.00	EA N	450	
BUNGALOW 6X8	1.00	EA N	6,003	
BUNGALOW MATERIAL	1.00	LS N	9,890	
CABLE	1.00	EA N	4,927	
CHARGERS	1.00	LS N	1,545	
FIELD MATERIAL	1.00	LS N	8,392	
GATE KEEPER	2.00	EA N	3,512	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,110	
HXP3R2 UNI SYSTEM	3.00	EA N	48,606	
INDUCTOR, DUMMY LOAD	2.00	EA N	158	
MISC. MATERIAL	1.00	EA N	2,500	
RELAY, AX W/BASE	1.00	EA N	500	
TIMER, LOS-10	2.00	EA N	1,181	
TRACK FILTERS	1.00	LS N	1,050	
VIGILANT RECORDER	1.00	EA N	1,684	
MATERIAL HANDLING			34	
ONLINE TRANSPORTATION			28	
USE TAX			7,463	
OFFLINE TRANSPORTATION			1,448	
TOTAL MATERIAL COST			125,661	125,661

OTHER				

CONTRACT ENGR.
FILL DIRT
MACHINE RENTAL
SURFACE ROCK

1.00 EA N
20.00 CY N
1.00 EA N
30.00 CY N

9,000
500
4,160
750

TOTAL OTHER ITEMS COST

14,410 14,410

PROJECT SUBTOTAL

217,650

CONTINGENCIES

21,765

BILL PREPARATION FEE

1,198

GROSS PROJECT COST

240,613

LESS COST PAID BY BNSF

120,309

TOTAL BILLABLE COST

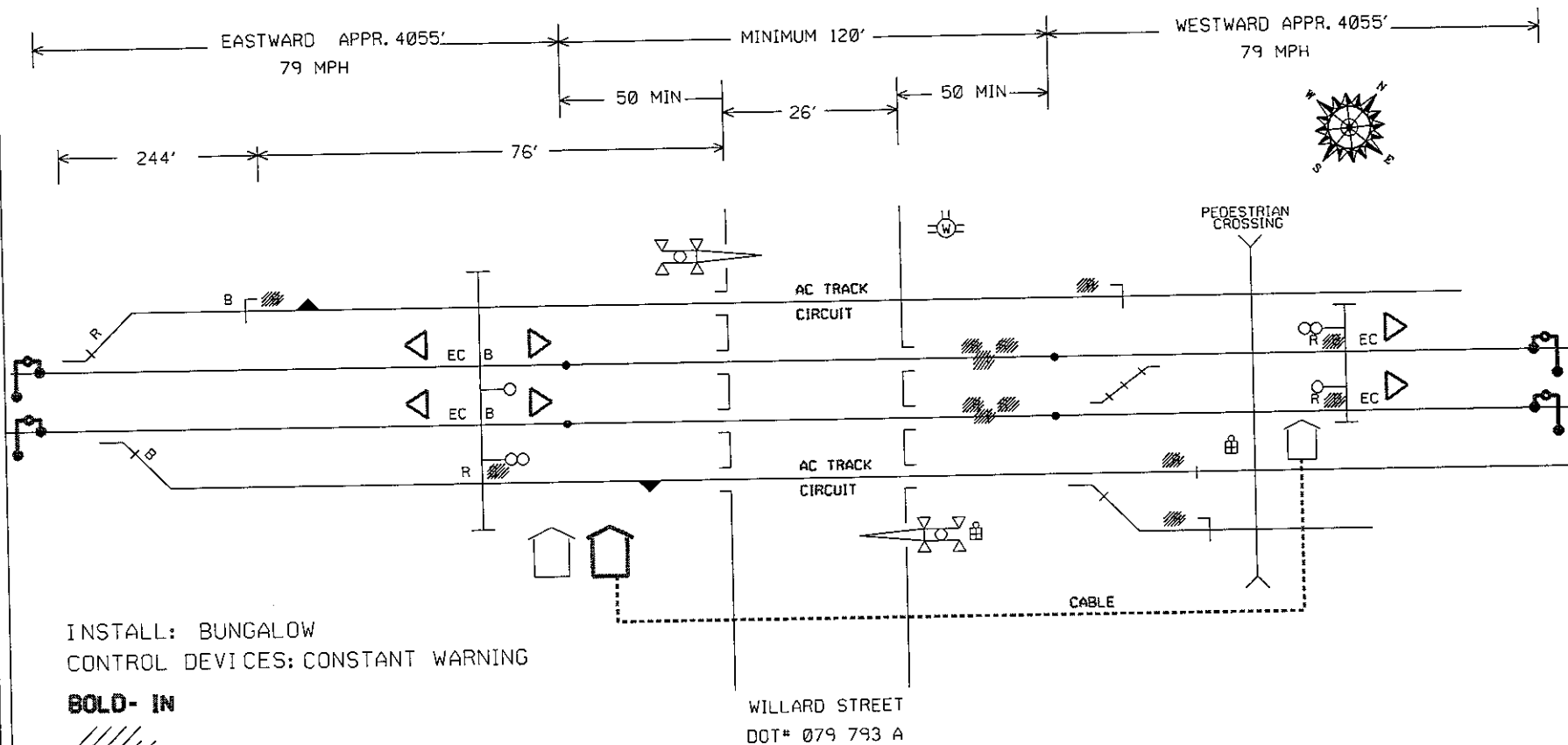
120,304

=====

TO GALESBURG

The Burlington Northern & Santa Fe Railway Company

TO CHICAGO



INSTALL: BUNGALOW
CONTROL DEVICES: CONSTANT WARNING

BOLD- IN

SLASH- OUT

SALVAGE: NONE

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'
Edge of Road to C.L. Foundation:

Min. 4'1" with curb,
Min. 8'1" without curb,
Max. 12'

House Clearance: 25' Min. to C.L. of Track
30' Min. to Edge of Road
Front Lights: 30-15 Degree Lenses
Back and Side Lights: 70 Degree Lenses
Cantilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.

WATAGA

WILLARD STREET

LS 0001

MENDOTA SUBDIVISION

MP 155.38

CHICAGO DIVISION

DOT# 079 793 A

KANSAS CITY

NO SCALE DATE: 04/25/02

FILE: 0001155.38.DGN

MCR/SMQ